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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, KEN ALEX, NELL
GREEN NYLEN, ROBERT HIRST,
CHRISTINE PHILLIOU, and JEDDA
FOREMAN, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States;
DEPARTMENT OF GOVERNMENT
EFFICIENCY (“DOGE”);
AMY GLEASON, in her official capacity as
Acting Administrator of the Department of
Government Efficiency;
NATIONAL SCIENCE FOUNDATION;

[caption cont’d next page]

Case No. 3:25-cv-04737-RL

**DECLARATION OF ROBERT H.
HIRST**

The Honorable Rita F. Lin

1 BRIAN STONE, in his official capacity as
2 Acting Director of the National Science
Foundation;
3 NATIONAL ENDOWMENT FOR THE
HUMANITIES;
4 MICHAEL MCDONALD, in his official
capacity as Acting Chairman of the National
5 Endowment for the Humanities;
UNITED STATES ENVIRONMENTAL
6 PROTECTION AGENCY;
LEE ZELDIN, in his official capacity as
7 Administrator of the U.S. Environmental
Protection Agency;
8 UNITED STATES DEPARTMENT OF
AGRICULTURE;
9 BROOKE ROLLINS, in her official capacity as
Secretary of the U.S. Department of Agriculture;
10 AMERICORPS (a.k.a. the CORPORATION
FOR NATIONAL AND COMMUNITY
11 SERVICE);
JENNIFER BASTRESS TAHMASEBI, in her
12 official capacity as Interim Agency Head of
AmeriCorps;
13 UNITED STATES DEPARTMENT OF
DEFENSE;
14 PETE HEGSETH, in his official capacity as
Secretary of the U.S. Department of Defense;
15 UNITED STATES DEPARTMENT OF
EDUCATION;
16 LINDA MCMAHON, in her official capacity as
Secretary of the U.S. Department of Education;
17 UNITED STATES DEPARTMENT OF
ENERGY;
18 CHRIS WRIGHT, in his official capacity as
Secretary of Energy;
19 UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;
20 ROBERT F. KENNEDY, JR., in his official
capacity as Secretary of the U.S. Department of
21 Health and Human Services;
UNITED STATES CENTERS FOR DISEASE
22 CONTROL;
MATTHEW BUZZELLI, in his official capacity
23 as Acting Director of the Centers for Disease
Control;
24 UNITED STATES FOOD AND DRUG
ADMINISTRATION;
25 MARTIN A. MAKARY, in his official capacity
as Commissioner of the Food and Drug
26 Administration;
UNITED STATES NATIONAL INSTITUTES
27 OF HEALTH;
JAYANTA BHATTACHARYA, in his official
28 capacity as Director of the National Institutes of

1 Health;
2 INSTITUTE OF MUSEUM AND LIBRARY
3 SERVICES;
4 KEITH SONDERLING, in his official capacity
5 as Acting Director of the Institute of Museum
6 and Library Services;
7 UNITED STATES DEPARTMENT OF THE
8 INTERIOR;
9 DOUG BURGUM, in his official capacity as
10 Secretary of the Interior;
11 UNITED STATES DEPARTMENT OF STATE;
12 MARCO RUBIO, in his official capacity as
13 Secretary of the U.S. Department of State;
14 DEPARTMENT OF TRANSPORTATION;
15 SEAN DUFFY, in his official capacity as
16 Secretary for the U.S. Department of
17 Transportation,
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19 Defendants.
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DECLARATION OF ROBERT H. HIRST

I, Robert H. Hirst, declare as follows:

1. I have personal knowledge of the facts contained in this declaration and, if called as a witness, could and would testify competently to those facts.

2. I am the curator of the Mark Twain Papers and general editor of the Mark Twain Project at the Bancroft Library at the University of California, Berkeley. I have served in this role since 1980. From 1997 through 2013 I also served as an adjunct professor within the university's English department, usually teaching one course a year.

3. I am a graduate of Harvard University and hold an M.A. and a Ph. D in American Literature from the University of California, Berkeley. As a graduate student I began work on the Mark Twain Papers in 1967 and, as noted, assumed the positions of curator and general editor in 1980.

4. The Project has received numerous awards for its work. These include the John Tuckey Lifetime Achievement Award for Contributions to Mark Twain Studies from Elmira College, and two prizes conferred by the Modern Language Association: the Morton N. Cohen Award for a Distinguished Edition of Letters, and the Prize for a Distinguished Scholarly Edition (both for *Mark Twain's Letters, Volume 6* and *Roughing It*).

5. A true and correct copy of my curriculum vitae is attached as Exhibit A.

The Mark Twain Papers

6. A clear consensus among 20th Century American writers is that Samuel Langhorne Clemens (Mark Twain) was one of the most important writers of the previous century. *Adventures of Huckleberry Finn* is told entirely in the voice of a fourteen-year-old illiterate white boy with a "sound heart and a deformed conscience." It simply revolutionized the way novelists could tell their stories. Hemingway's famous remark says it clearly: "All modern American literature comes from one book by Mark Twain called *Huckleberry Finn*. . . . All American writing comes from that. There was nothing before. There has been nothing as good since."

1 7. Mark Twain wrote a great deal besides *Huck Finn*, left a vast amount of
2 documentation behind, and has continued to be of real interest to modern readers around the
3 world, not just in America. For example, the first volume of his *Autobiography* sold more than
4 half a million copies when it was published in 2010, one hundred years after his death, and was on
5 the New York Times bestsellers list for 14 weeks. Publishers around the world were willing to pay
6 substantial fees for the right to translate it into Chinese, Japanese, German, French, Italian,
7 Russian, and Czech.

8 8. The Mark Twain Papers contain the voluminous private papers of Clemens. Before
9 his death in 1910, Clemens passed these documents to his official biographer, who published
10 sparingly from them until his own death in 1937. Several successive editors served as literary
11 executors for Clemens's estate and custodians of the Papers. After stays at Harvard and the
12 Huntington Library, these documents by and about Mark Twain—the core of the collection—were
13 ultimately deposited in the General Library of the University of California, Berkeley, in 1949.
14 They were officially bequeathed to the University of California in 1962 upon the death of Mark
15 Twain's sole surviving daughter, Clara Clemens Samossoud. In 1971, the Papers became part of
16 the Bancroft Library. The copyright on those papers remained the property of her estate but, in
17 1962, the University of California signed a contract with the Mark Twain Foundation (renewed
18 and revised in 1982) giving it the exclusive right to publish anything by Mark Twain that was still
19 protected by copyright, for the life of the copyright, which extends through 2047.

20 9. Since 1949, the University of California, Berkeley, has added hundreds of original
21 documents to that core collection: letters; literary manuscripts; a dozen scrapbooks with unique
22 clippings of the author's newspaper work; first editions and other rare printings; photographs; and
23 various important collateral documents, such as the diaries of Mark Twain's secretary, Isabel V.
24 Lyon. Complementing and greatly enlarging the core archive of original documents is a working
25 archive of photocopies and transcriptions of documents held elsewhere. This expansive working
26 archive of documents by and about Mark Twain is available to anyone, either in person or
27 remotely, and is being continuously supplemented and updated by editors of the Mark Twain
28 Project, the editorial enterprise housed within the Papers.

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1 12. The Mark Twain Project’s resident editors are at work on a comprehensive
2 scholarly edition designed to include everything of significance that Mark Twain wrote. More than
3 30 volumes are currently available, all published by the University of California Press. Including
4 texts available only on the Project’s website, these encompass: more than half of the literary
5 manuscripts left unpublished by Mark Twain; a growing body of his letters: from 1853 through
6 1885, many with annotation; his notebooks through 1891 (two-thirds of the extant texts);
7 collections of early fiction and journalism through 1865; and critically established texts of his
8 major works, including *Huckleberry Finn*, *Tom Sawyer*, *A Connecticut Yankee in King Arthur’s*
9 *Court*, *The Prince and the Pauper*, *Roughing It*, *Pudd’nhead Wilson*, the “Mysterious Stranger
10 Manuscripts,” and the three-volume *Autobiography of Mark Twain*. Despite more than fifty years
11 of intensive editorial activity, there are dozens of works, long and short, and thousands of letters
12 still to come.

13 13. Since 2001, the Mark Twain Project has focused much of its effort on the Mark
14 Twain Project Online (the “Online Project”), which is intended to make freely available *all* of the
15 Project’s edited texts—past, present, and future.

16 14. The Online Project launched officially on November 2, 2007, with the contents of
17 the six volumes of *Mark Twain’s Letters* and *Huckleberry Finn*. In April 2022, the NEH awarded
18 the Mark Twain Project a Challenge Grant (CHA-286607-23) for the redesign and rebuild of its
19 digital infrastructure. The four-year term of this grant, first funded on September 14, 2023, will
20 allow the Mark Twain Project to migrate from its existing online website platform and database to
21 a modern and technologically supportable platform. In the fifteen years since it was created, the
22 existing digital infrastructure has become obsolete, and the University of California, Berkeley’s
23 Library IT department will soon be unable to continue its support for its old technology.

24 15. The Project receives approximately 150 requests per year from scholars and general
25 readers for information and/or copies of documents by or about Mark Twain. These requests are
26 almost always the result of readers consulting the catalogs of documents available through the
27 Online Project. The project also receives at least 50 requests to visit and work with the Papers
28 every year.

17. Interest in Mark Twain—stemming in significant part from what editorial work has revealed about the author—has grown steadily since I became general editor in 1980. In his recently published biography of Mark Twain, Ron Chernow said: “Perhaps no other American author can boast such a richly documented record. . . With its learned editions and digitized website, the Mark Twain Papers ranks as one of the foremost scholarly achievements of our era.”

18. In order to maintain this collection and conduct this ongoing research, the Mark Twain Papers and Project employ five full-time editors (named in paragraph 27). Catapano is primarily responsible for revising and maintaining the publishing website; Bronson-Bartlett, Driscoll, and Griffin do the editorial heavy lifting; and I also edit (currently *The Innocents Abroad*), review and approve their work, manage outreach, and raise the needed funds to pay the editors.

19. The Papers and the Project staff are housed in the Bancroft Library on the UC Berkeley campus. They occupy five offices, a conference room, a reading room, a working library, a storage room and scanning site, and a temperature and humidity-controlled vault for housing all rare and fragile materials, manuscripts, books, and other records.

20. The Mark Twain Project's ambitious undertaking requires ongoing work. Financial and other crucial support has been instrumental in the development of critical editions and the Project's website—and will continue to be so.

21. The National Endowment for the Humanities (“NEH”) has awarded more than \$11,000,000 to support the editorial work of the Mark Twain Project, without interruption, since 1967, and has also made a generous challenge grant for the renovation of the Online Project.

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1 22. On November 29, 2023, the Mark Twain Project, through the Regents of the
2 University of California, submitted to the NEH an Application for Federal Domestic Assistance—
3 application RQ-300297, entitled “Mark Twain Project”—consisting of a completed form and the
4 following attachments: a narrative proposal, work plan, list of key personnel, resumes for key
5 personnel, bibliography, samples, appendices, and table of past productivity (collectively, the
6 “Grant Application”). A true and correct copy of the Grant Application is attached hereto as
7 Exhibit B.

8 23. In essence, the Grant Application sought to draw the Mark Twain Project nearer to
9 its goal of making all of Twain’s works available to the public for free through the Online Project.

10 24. The Grant Application proposed: to publish, in print and digitally on the Online
11 Project, critically edited texts of two large travel books: *The Innocents Abroad* and *Following the*
12 *Equator*.

13 25. The Grant Application also proposed adding to the online platform a digital edition
14 based on the three printed volumes of *Mark Twain’s Notebooks & Journals*, with high-resolution
15 digital facsimiles of all notebook pages accompanying the fully annotated transcription. In its most
16 recent grant term of 2022 through 2024, the Mark Twain Project completed the online publication
17 of all seventeen of the previously published volumes in “The Works of Mark Twain” and “Mark
18 Twain Papers” series, save only these three volumes of Notebooks. Thus, the Grant Application
19 sought to complete the free online publication of all the Project’s scholarly editions to date.

20 26. Lastly, the Grant Application proposed to publish on the Online Project the edited
21 texts of 586 letters written by Mark Twain in 1886, 1887, and 1888, and full annotation for 308
22 letters written in 1878, the texts of which are already available there.

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1 27. The Grant Application proposed a cumulative budget of \$900,000.00, including
2 \$450,000 in NEH funds. This budget would fund roughly half the salaries for four project-
3 personnel: Blake Bronson-Bartlett, an Associate Editor at the Mark Twain Project; Terence H.
4 Catapano, Digital Publications Manager at the Mark Twain Project; Kerry Driscoll, an Associate
5 Editor at the Mark Twain Project; Benjamin Griffin, an Associate Editor at the Mark Twain
6 Project; for the period from October 2024 through September 2027. The other half of the staff
7 salaries for this three-year period—approximately \$1 million—would need to be paid by private
8 funds raised by me.

9 **Award of Grant (RQ-300297) Funding**

10 28. On August 28, 2024, the University of California, Berkeley received a letter from
11 the chair of the NEH, approving the Mark Twain Projection application RQ-300297 to receive an
12 offer for funding (“Offer Letter”). A true and correct copy of this Offer Letter is attached hereto as
13 Exhibit C.

14 29. The Offer Letter provided the University of California, Berkeley, up to \$450,000 in
15 federal matching funds subject to two conditions: (a) we had to raise an equal amount of eligible
16 non-federal, third-party gifts, and certify their availability, or forward them to NEH by June 30,
17 2027; and (b) NEH’s Division of Research Programs had to have available to it sufficient funds
18 allocated for matching purposes.

19 30. The Offer Letter provided, “If you wish to accept this offer of support, your
20 response to the above condition(s) and the Gift Certification Form must be submitted via eGMS
21 Reach, NEH’s online electronic grant management system no later than June 30, 2027.”

22 31. Finally, the Offer Letter stated, “This ‘offer’ letter does not constitute an award. It
23 formally communicates the level of funding recommended for the project and the conditions that
24 must be met before an award will be issued by NEH.”
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1 32. When the Offer Letter arrived in August, I had already raised \$450,000 in
2 matchable gifts, and on October 31, 2024, Sabina Gafarova from the university's Sponsored
3 Projects Office ("SPO") accepted the NEH offer and sent it the required certification, signed by
4 me, the Principal Investigator (PI). A true and correct copy of the certification provided to NEH is
5 attached as Exhibit D.

6 **Termination of Grant (RQ-300297) Funding**

7 33. On April 2, 2025, the University of California, Berkeley, received an email from
8 the address "Grant_Notifications@nehemail.onmicrosoft.com," purporting to be Michael
9 McDonald, Acting Chairman for the National Endowment for the Humanities (the "Termination
10 Email"). This is not, to my knowledge, an e-mail domain that NEH has ever used to communicate
11 with me for any reason. A true and correct copy of this email can be found at page 7 of **Exhibit**
12 **E**, further referenced below.

13 34. Attached to the Termination Email was a letter from Michael McDonald, Acting
14 Chairman for the National Endowment for the Humanities, cancelling the Mark Twain Project's
15 grant, Award No. RQ-300297-25, in its entirety effective April 2, 2025 (the "Termination Letter").
16 A true and correct copy of this letter is attached hereto as Exhibit F.

17 35. The Termination Letter reads in relevant part:

18 Your grant no longer effectuates the agency's needs and priorities and conditions of the Grant
19 Agreement and is subject to termination due to several reasonable causes, as outlined in 2CFR§200.340.
20 NEH has reasonable cause to terminate your grant in light of the fact that the NEH is repurposing its funding
21 allocations in a new direction in furtherance of the President's agenda. The President's February 19, 2025
22 executive order mandates that the NEH eliminate all non-statutorily required activities and functions. *See*
23 *Commencing the Reduction of the Federal Bureaucracy*, E.O. 14217 (Feb. 19, 2025). Your grant's
immediate termination is necessary to safeguard the interests of the federal government, including its fiscal
priorities. The termination of your grant represents an urgent priority for the administration, and due to
exceptional circumstances, adherence to the traditional notification process is not possible. Therefore, the
NEH hereby terminates your grant in its entirety effective April 1, 2025.

24 See Exh. F.

25 36. After reviewing this letter, I searched for the Mark Twain Project's grant on eGMS
26 Reach, NEH's online electronic grant management system. I could find no record of the grant or
27 our several communications about it on eGMS Reach. It had apparently been deleted entirely from
28 the system.

1 37. The fact that the grant was no longer available in the eGMS system was
2 unprecedented and disturbing. NEH requires that all communications back and forth about a
3 current grant use eGMS. So once an Offer Letter is sent, communications about that offer go
4 through eGMS and are essentially permanent, and available to return to for review. But in early
5 April, when I learned of the cancellation, I went to see what had been said on eGMS about it. I had
6 previously used eGMS to communicate with NEH about it but, as noted, found that it was no
7 longer listed among the various grants we had received over the years. The normal way to consult
8 communications about a particular grant would be to click it and let the system take you to various
9 options, like “Messages.” So, because there was no longer any listing of RQ-300297, I could not
10 access previous exchanges about it. This removal of communications between me and NEH is
11 unique in my 40-year experience with the agency and, I would say, is contrary to its own purposes
12 in insisting on our using eGMS, i.e., to have a permanent record of what was said and by whom
13 about the entire grant, from start to finish.

14 38. On April 8, 2025, I received an email from Jason Boffetti, our longtime program
15 officer at NEH, inviting me to speak with him by phone. We subsequently spoke and he explained
16 that he was “still there” (i.e. employed) while most NEH staff were gone. He told me that NEH
17 had been informed by DOGE that the agency must fire most of its staff if it wanted to continue to
18 operate – perhaps up to 75% of its employees. He told me in an email several weeks later that
19 there was nothing he could do about the cancelled grant and inquired if I had submitted an appeal
20 of the cancellation.

21 **Harm Suffered from Termination of Grant (RQ-300297) Funding**

22 39. The Mark Twain Project, its staff, and I have suffered immediate harm as a result
23 of the cancellation of the grant, which will continue into the future.

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- 1 **a.** In lieu of conducting my editorial work mentioned above, I have had to refocus
2 my time on fundraising to replace the cancelled grant funding (\$450,000).
3 While I planned to fundraise approximately \$1 million from non-federal
4 sources to pay salaries for the next three years previously covered by the grant,
5 this cancellation increases my fundraising responsibilities by 45%. As I had not
6 anticipated this would be required, I will need to identify additional potential
7 donors, with great urgency, and return to donors who have already given to ask
8 that they give more for this emergency. Typically, it takes time, months or
9 years, to cultivate new donors or to substantially increase the gifts of existing
10 donors. As a result, I do not know whether I can raise this additional money
11 during the grant period or at all.
- 12 **b.** The financial uncertainty created by this grant cancellation significantly
13 threatens my ability to retain the highly trained and experienced staff working
14 on the Mark Twain Project. These individuals are among the world's experts on
15 Mark Twain and their knowledge of the collection is irreplaceable. From my
16 conversations with them, I have learned that two of the four staff experts are
17 contemplating resigning in order to find positions elsewhere.
- 18 **c.** This is a particularly critical time for the Online Project because, as noted
19 above, we are migrating the collection to new platforms as the existing ones
20 have become obsolete. I do not want to lose key staff—people who have
21 designed the renovation and are uniquely able to implement it—because they
22 cannot count on being employed here. Because the online platform allows
23 scholars and students from all over the world to access these original
24 documents, any interruption or delay in this work is very harmful to the Project
25 and to the many who regularly access or will want to access these materials in
26 the future.

d. In addition to what I have just described, my staff and I have begun to consider cutbacks in our work plans and goals for the year. I am concerned that we will have less ability to go out to schools and universities to share our work and introduce new audiences to the incomparable work of Mark Twain.

Appeal from Termination of Grant (RQ-300297) Funding

40. On April 30, 2025, the University of California, Berkeley submitted via email an Appeal of Termination of the Mark Twain Project Award ("Appeal Letter"). A true and correct copy of this appeal is attached hereto as Exhibit G.

41. The Appeal Letter notes that "[a]lthough no statute or regulation requires UC to exhaust any administrative appeal process, the University is filing this appeal in accordance with Sextion XIII of the General Terms and Conditions for Awards to Organizations." See Exhibit G at 2, n. 2.

42. The Appeal Letter sets forth three grounds: (I) Section 200.340 Does Not Permit Termination of the Award; (II) The General Terms and Conditions Do Not Permit Termination of the Award; and (III) This Award is Not Inconsistent with Agency Priorities. See Exhibit G at 2-4.

43. The Award of Grant Funding remains unavailable to the Mark Twain Project pending the appeal.

Role of Class Representative

44. I am ready to assume the responsibilities of serving as a class representative. I understand that I must stay informed regarding developments in the lawsuit, communicate regularly with my attorneys, and act in the best interests of the class. I have no conflicts that would prevent me from assuming this responsibility.

I declare under penalty of perjury under the laws of the State of California and the United States that the foregoing is true and correct.

Executed this ^{30th} day of May, 2025.

Signed by:

Robert H. Hirst

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Robert H. Hirst